

**FILED**

JAN 23 2015

Clerk, U S District Court  
District Of Montana  
Billings

*ck*

**CARL E. ROSTAD**  
Assistant U.S. Attorney  
U.S. Attorney's Office  
P.O. Box 3447  
Great Falls, Montana 59403-3447  
Direct Line: (406) 771-2001  
Phone: (406) 761-7715  
FAX: (406) 453-9973  
E-Mail: Carl.Rostad@usdoj.gov

**ATTORNEY FOR PLAINTIFF  
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**TIMOTHY WARREN ROSETTE,**

**Defendant.**

**CR-14-101-GF-BMM**

**SUPERSEDING INDICTMENT**

**BRIBERY OF AN OFFICIAL OF AN  
INDIAN TRIBAL GOVERNMENT  
RECEIVING FEDERAL FUNDING  
Title 18 U.S.C. §§ 666(a)(1)(B) (Count I)  
(Penalty: Ten years imprisonment,  
\$250,000 fine, and three years of supervised  
release)**

**THEFT FROM A HEALTH CARE  
FACILITY (Count II)  
Title 18 U.S.C. §§ 669  
(Penalty: Ten years imprisonment, \$250,000  
fine, and three years supervised release)**

**THEFT FROM AN INDIAN TRIBAL  
ORGANIZATION (Count III)  
Title 18 U.S.C. §§ 1163  
(Penalty: Five years imprisonment,  
\$250,000 fine, and three years of supervised  
release)**

## THE GRAND JURY CHARGES:

### INTRODUCTION

At all times relevant to this Indictment:

1. The Chippewa Cree Tribe of the Rocky Boy's Indian Reservation was a federally recognized tribe located in north central Montana whose affairs were governed by the Chippewa Cree Business Committee and whose government was located at Box Elder, Montana.

2. Between October 2009 and September 2012, the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, received approximately \$28 million in Public Law 638 Self-Governance Compact funds from the United States Department of the Interior, a portion of which was for construction and maintenance of roads on the Rocky Boy's Indian Reservation and for the operation and administration of the Chippewa Cree Tribe Roads Branch.

3. Between October 2009, and September 2013, the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, received approximately \$52 million in Public Law 638 Indian Health Service Self-Governance Compact funds from the United States Department of Health and Human Services, for operation, construction and maintenance, and administration of the Rocky Boy Health Board Clinic.

4. TIMOTHY WARREN ROSETTE was the Director of the Chippewa Cree Tribe Roads Branch and the Director of the Rocky Boy Health Clinic's Environmental Health Division with responsibility for infrastructure contracting in both tribal departments.

5. Hunter Burns Construction, LLC, was a construction company doing business on the Rocky Boy's Reservation, and elsewhere in north central Montana, and received significant construction contracts from the Rocky Boy Health Board and the Roads Department.

6. James Howard Eastlick, Jr., owned 49% of Hunter Burns Construction, LLC, and shared in the management of the financial affairs of the company.

#### COUNT I

That between on or about October 10, 2009, and continuing thereafter until on or about December 8, 2011, at Havre and Box Elder, in the State and District of Montana, and other places, the defendant, TIMOTHY WARREN ROSETTE, then an official and agent of an Indian tribal government, that is, the Director of the Rocky Boy Health Clinic's Environmental Health Division, and, concurrently, as the Director of the Chippewa Cree Tribe Roads Branch, did corruptly accept and agree to accept a thing of value from Hunter Burns Construction, LLC, and James Howard Eastlick, Jr., with the intent to be influenced and rewarded in connection with a transaction and series of transactions of the Rocky Boy Health Board Clinic and the

Chippewa Cree Tribe Roads Branch, of a value of \$5,000 or more, that is, the defendant, TIMOTHY WARREN ROSETTE, in exchange for his support, direction, and assistance, and having supported, directed, and assisted the award of tribal contracts to Hunter Burns Construction, LLC, by the Rocky Boy Health Board Clinic and the Chippewa Cree Tribe Roads Branch, accepted more than \$5,000 in payments, property, or other benefits from Hunter Burns Construction, LLC, and James Howard Eastlick, Jr., either directly or through nominees, in violation of 18 U.S.C. §§ 666(a)(1)(B).

## COUNT II

That between on or about October 1, 2010, and continuing thereafter until on or about September 5, 2013, at Box Elder, in the State and District of Montana, and other places, the defendant, TIMOTHY WARREN ROSETTE, then the Director of the Rocky Boy Health Clinic's Environmental Health Division, did knowingly and willfully embezzle, steal, and otherwise without authority, convert to the use of a person other than the rightful owner, and did intentionally misapply, over \$100 of the monies and funds of the Rocky Boy Health Board Clinic, a healthcare benefit program of the Chippewa Cree Tribe, that is, the defendant, TIMOTHY WARREN ROSETTE, embezzled funds through the use of double payment of salary, overtime payments for which he was not eligible as an exempt employee, withdrawal of severance and retirement benefits far in excess of what had been deposited on his

behalf, and unrecorded and undocumented payments from the compact account, and thereby unlawfully converted \$23,000, more or less, in tribal compact funds to his own personal use and benefit, in violation of 18 U.S.C. § 669.

### COUNT III

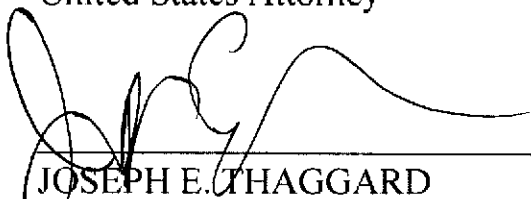
That between on or about October 1, 2010, and continuing thereafter until on or about September 5, 2013, at Box Elder, in the State and District of Montana, and other places, the defendant, TIMOTHY WARREN ROSETTE, then the Director of the Rocky Boy Health Clinic's Environmental Health Division, did embezzle, knowingly convert to his use and the use of another, willfully misapply and willfully permit to be misapplied, more than \$1,000 worth of the goods, assets, and property of the Chippewa Cree Tribe of the Rocky Boy's Indian Reservation, an Indian tribal organization, and under the care, custody, and control of any employee and agent of the Chippewa Cree Tribe, that is, the defendant, TIMOTHY WARREN ROSETTE, embezzled funds through the use of double payment of salary, overtime payments for which he was not eligible as an exempt employee, withdrawal of severance and retirement benefits far in excess of what had been deposited on his behalf, and unrecorded and undocumented payments from the compact account, and thereby unlawfully converted \$23,000, more or less, in tribal compact funds to his own personal use and benefit, in violation of 18 U.S.C. § 1163.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.



MICHAEL W. COTTER  
United States Attorney



JOSEPH E. THAGGARD  
Criminal Chief Assistant U.S. Attorney

2-3-15 @ 10:00  
with JTL in 6F.

Crim. Summons ☒

Warrant: \_\_\_\_\_

Bail: \_\_\_\_\_